

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM T. MOCK, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official capacity as
Attorney General of the United States, *et al.*,

Defendants.

Civil Action No. 4:23-cv-00095-O

JOINT STATUS REPORT

Pursuant to the Court’s Order of August 1, 2023, ECF No. 63, the parties respectfully submit this joint status report to propose a schedule for further briefing on the irreparable-harm, balance-of-equities, and public-interest factors pertaining to Plaintiffs’ motion for a preliminary injunction, ECF No. 33, as well as the appropriate scope of any such injunction. The parties have conferred and jointly request that the Court adopt the following deadlines, which they believe will allow the Court to consider the motion in accordance with the Fifth Circuit’s instructions, *see Mock v. Garland*, No. 23-10319 (5th Cir. Aug. 1, 2023), ECF No. 151-1:¹

- On or before August 18, 2023, Plaintiffs will file their supplemental brief;

¹ Defendants respectfully note that the Fifth Circuit has yet to issue a mandate in the pending appeal, which may affect this Court’s jurisdiction with respect to Plaintiffs’ preliminary-injunction motion. *See, e.g., United States v. Cook*, 592 F.2d 877, 880 (5th Cir. 1979) (“This court retains jurisdiction over an appeal until it has issued a mandate to implement its disposition. . . . The district court did not reacquire jurisdiction over [the] case until the mandate of this court was issued.”); *accord Johnson v. Bechtel Assocs. Professional Corp., D.C.*, 801 F.2d 412 (D.C. Cir. 1986) (“Issuance of the mandate formally marks the end of appellate jurisdiction.”).

Plaintiffs do not believe the issuance of a mandate is necessary for this Court to act on the preliminary injunction motion. Indeed, the Fifth Circuit explicitly instructed this Court to rule on the motion by September 30, 2023.

- On or before September 1, 2023, Defendants will file their response to Plaintiffs' supplemental brief; and
- On or before September 9, 2023, Plaintiffs may file a reply to Defendants' response brief.

DATED this the 4th day of August 4, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on August 4, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record.

/s/ Cody J. Wisniewski

Cody J. Wisniewski

FPC ACTION FOUNDATION